



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,366	09/30/1999	YUE HENG XU	INTL-0250-US	5274

7590 11/08/2002

TIMOTHY N TROP
TROP PRUNER HU & MILES PC
8554 KATY FREEWAY STE 100
HOUSTON, TX 77024

EXAMINER

DELATORRE, CRESCELLE N

ART UNIT PAPER NUMBER

2174

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,366

Applicant(s)

XU, YUE HENG

Examiner

Crescelle dela Torre

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Request for Reconsideration, filed on 9/3/02.

This action is final.

Claims 1-18 are pending in this application. Claims 1, 10 and 15 are independent claims.

The present title of the invention is "Using Two Electronic Programming Guides" as originally filed.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al (U.S. patent 6,172,677) in view of Klosterman (U.S. patent 5,550,576).

As per claim 1, Stautner teaches the following subject matter:

providing access to a first EPG with a first set of program selections at figure 5;

providing access to a second EPG with a second set of program selections, at figure 2; and

enabling user selection of viewing programs, at column 4, lines 58-60.

Stautner teaches the above steps of claim 1, but does not specifically teach that the first and second EPGs are provided over first and second media, respectively.

On the other hand, providing EPGs over different media are known in the art. For instance, Klosterman teaches that EPGs can be "provided in a separate data stream via a different medium" at column 6, lines 12-14, or "generated within the IRD box, a satellite receiver, the television, the VCR, a central office location, etc" at column 6, lines 23-25. Klosterman also teaches at column 6, lines 1-11, that if program schedule information is "received in a format which is ready for immediate display" less memory is required for the program guide system.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the programming guides of Stautner over different media as in Klosterman because it reduces the memory requirements of the program guide system.

As per claim 2, Stautner shows that the second set at figure 2 is more extensive than the first set at figure 5.

As to claim 3, Stautner teaches that the first EPG provides the programming guide and program content, at figure 5.

As per claim 4, Stautner shows providing the second EPG, at figure 4.

Regarding claim 5, Klosterman automatically couples the user to the second medium upon receiving an access request, at column 7, lines 46-52.

As to claim 6, Stautner teaches internet access, at column 3, lines 45-46.

In reference to claim 7, Klosterman teaches user selection of provided program selections, at column 6, lines 34-56.

As per claim 8, Stautner teaches providing the first and second EPGs in response to user request, at column 4, lines 29-34.

Regarding claim 9, Stautner teaches providing tuning information, at column 4, lines 58-60.

As to claims 10-14, they correspond respectively to claims 1 and 5-8.

As per claim 15, Stautner teaches a content provider providing content and a first EPG, at figure 5; and a server for providing a second EPG upon request, at figure 2, and column 5, lines 15-19.

Stautner teaches the above steps of claim 15, but does not specifically teach that the first and second EPGs are provided over first and second media, respectively.

On the other hand, providing EPGs over different media are known in the art. For instance, Klosterman teaches that EPGs can be "provided in a separate data stream via a different medium" at column 6, lines 12-14, or "generated within the IRD box, a satellite receiver, the television, the VCR, a central office location, etc" at column 6, lines 23-25. Klosterman also teaches at column 6, lines 1-11, that if program schedule information is "received in a format which is ready for immediate display" less memory is required within the coordinator.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the programming guides of Stautner over different media as in Klosterman because it reduces the memory requirements of the coordinator.

In reference to claim 16, Stautner teaches airwave, cable and satellite broadcast systems, at column 7, lines 21-23.

Stautner teaches an internet connection [claim 17] at column 3, lines 45-46.

As to claim 18, Stautner shows a second EPG at figure 2 that is more extensive than a first EPG at figure 5.

Response to Arguments

3. Applicant's arguments filed 9/3/02 have been fully considered but they are not persuasive.

Applicant's primary argument regarding the combination of Stautner and Klosterman is that neither teach or suggest accessing two different EPGs over two different media. The examiner does not agree because Klosterman teaches providing EPGs over different media, at column 4, lines 57-60, which describes that "program guide information can be received through cable box 26, other inputs 30, antennae 34, and/or through any other transmission medium". In addition, Klosterman teaches different EPGs at column 6, lines 41-43, which describes that "both cable and DBS may carry the network ABC, but cable may have ABC on channel 6 and DBS may have ABC on channel 7". For these reasons, applicant's claims remain rejected.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crescelle dela Torre whose telephone number is (703) 305-9782. The examiner can normally be reached on Monday-Thursday, from 8am-4pm, and on alternate Fridays, from 8am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications; (703) 746-7238 for After Final communications; and (703) 746-7240 for non-official or draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

C. dela Torre
CRESCELLE N. DELA TORRE
PRIMARY EXAMINER